

ORDINANCE NO. 030130-28

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 919 EAST 32ND STREET FROM GENERAL OFFICE (GO) DISTRICT TO GENERAL COMMERCIAL SERVICES-CONDITIONAL OVERLAY (CS-CO) COMBINING DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from general office (GO) district to general commercial services-conditional overlay (CS-CO) combining district on the property described in Zoning Case No.C14-02-0150, on file at the Neighborhood Planning and Zoning Department, as follows:

A 1.175 acre tract of land, more or less, out Lot 1, Saint David's Community Hospital Addition, a subdivision in the City of Austin, Travis County, Texas, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance, (the "Property")

locally known as 919 East 32nd Street, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

PART 2. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

The following uses of the Property are prohibited uses:

Agricultural sales and services	Art and craft studio (general)
Automotive sales	Automotive repair services
Automotive rentals	Automotive washing (of any type)
Building maintenance services	Campground
Commercial blood plasma center	Commercial off-site parking
Construction sales and services	Consumer convenience services
Consumer repair services	Convenience storage
Drop-off recycling collection facility	Electronic prototype assembly
Equipment repair services	Equipment sales
Exterminating services	Financial services
Food sales	Funeral services

General retail sales (convenience)
Hotel-motel
Indoor sports and recreation
Laundry service
Outdoor entertainment
Pawn shop services
Pet services
Research services
Restaurant (general)
Theater
Veterinary services
Limited warehousing and distribution
Transitional housing

General retail sales (general)
Indoor entertainment
Kennels
Monument retail sales
Outdoor sports and entertainment
Personal improvement services
Plant nursery
Restaurant (drive-in, fast food)
Service station
Vehicle storage
Custom manufacturing
Maintenance and service facilities
Transportation terminal

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the general commercial services (CS) base district and other applicable requirements of the City Code.

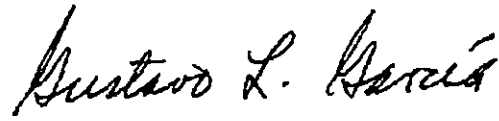
PART 3. The Council waives the requirements of Sections 2-2-3 and 2-2-7 of the City Code for this ordinance.

PART 4. This ordinance takes effect on February 10, 2003.

PASSED AND APPROVED

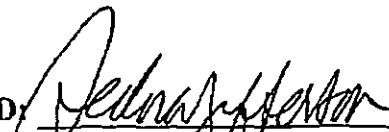
January 30, 2003

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§




Gustavo L. Garcia
Mayor

APPROVED:


Sedona Jefferson
City Attorney

ATTEST:


Shirley A. Brown
City Clerk



Professional Land Surveying, Inc.
Surveying and Mapping

Office: 512-443-1724
Fax: 512-441-6987

2807 Manchaca Road
Building One
Austin, Texas 78704

Exhibit "A"
Zoning Description

1.175 ACRES
LOT 1, ST. DAVID'S COMMUNITY HOSPITAL ADDITION

A DESCRIPTION OF 1.175 ACRES, BEING ALL OF A 51,075 S.F. TRACT DESCRIBED IN ORDINANCE NO. 79 1025-F, DATED OCTOBER 25, 1979, AND BEING OUT OF OUTLOT 23 DIVISION "C" OF THE GOVERNMENT TRACT ADJOINING THE ORIGINAL CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AND A PORTION OF LOT 1, ST. DAVID'S COMMUNITY HOSPITAL ADDITION, A SUBDIVISION OF RECORD IN VOLUME 81, PAGE 366 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, CONVEYED TO COLUMBIA/ST. DAVID'S HEALTHCARE SYSTEM, L.P. BY A CORRECTIVE SPECIAL WARRANTY DEED DATED JULY 8, 1996, IN VOLUME 12725, PAGE 1436 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 1.175 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" rebar with cap set in the southwest right-of-way line of East 32nd Street (60' right-of-way) being at a point of curvature in the northeast line of Lot 1, St. David's Community Hospital Addition;

THENCE along the southwest right-of-way line of East 32nd Street, being the northeast line of Lot 1, South 62°31'37" East a distance of 222.90 feet to a calculated point for the northeast corner of the said 51,075 S.F. Tract, from which a concrete nail found in a brick wall being at an angle point in the northeast line of Lot 1 bears South 62° 31'37" East, a distance of 20.00 feet,

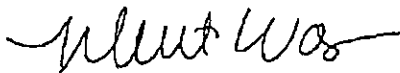
THENCE South 27°06'15" West, crossing Lot 1, with the east line of the 51,075 S.F. Tract, a distance of 356.70 feet to a calculated point in the north right-of-way line of Red River Street (right-of-way width varies), being also the south line of Lot 1;

THENCE with the north line of Red River Street, being also the south line of Lot 1, and being also the south line of the 51,075 acre tract, the following nine (9) courses:

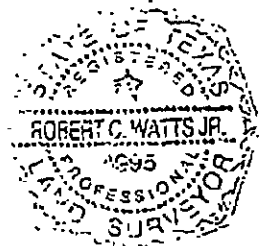
1. North 16°20'08" West, a distance of 152.89 feet to a 1/2" rebar found,
2. Along a curve to the right, an arc length of 47.07 feet, a delta angle of 04°08'51", a radius of 650.25 feet, and a chord which bears North 14°03'47" West, a distance of 47.06 feet to a 1/4" iron pipe found;

3. Along a curve to the right, an arc length of 25.51 feet, a delta angle of $29^{\circ}14'04''$, a radius of 50.00 feet, and a chord which bears North $02^{\circ}42'49''$ East, a distance of 25.24 feet to a Hilti nail found;
4. Along a curve to the left, an arc length of 21.94 feet, a delta angle of $25^{\circ}08'09''$, a radius of 50.00 feet, and a chord which bears North $04^{\circ}24'11''$ East, a distance of 21.76 feet to a Hilti nail found;
5. Along a curve to the right, an arc length of 80.19 feet, a delta angle of $07^{\circ}11'14''$, a radius of 639.25 feet, and a chord which bears North $04^{\circ}30'34''$ West, a distance of 80.13 feet to a 1/2" rebar found;
6. Along a curve to the left, an arc length of 21.75 feet, a delta angle of $25^{\circ}07'49''$, a radius of 50.00 feet, and a chord which bears North $13^{\circ}29'08''$ West, a distance of 21.75 feet to a 1/2" rebar with cap set;
7. Along a curve to the right, an arc length of 25.48 feet, a delta angle of $29^{\circ}11'59''$, a radius of 50.00 feet, and a chord which bears North $11^{\circ}12'41''$ West, a distance of 25.21 feet to a Hilti nail found;
8. Along a curve to the right, an arc length of 40.02 feet, a delta angle of $03^{\circ}31'33''$, a radius of 650.25 feet, and a chord which bears North $04^{\circ}55'52''$ East, a distance of 40.01 feet to a 1/2" rebar with cap set;
9. Along a curve to the right, an arc length of 38.80 feet, a delta angle of $111^{\circ}03'15''$, a radius of 20.02 feet, and a chord which bears North $62^{\circ}03'52''$ East, a distance of 33.01 feet to the **POINT OF BEGINNING**, containing 1.175 acres of land, more or less.

Surveyed on the ground in September 1999. Bearing Basis: Grid Azimuth for Texas Central Zone, 1983/93 HARN values from LCRA Control Network. Attachments: 006-86ZO-1.

 9-18-02
Robert C. Watts, Jr.
Registered Professional Land Surveyor
State of Texas No 4995

REFERENCES
TCAD Parcel #02-1407-0133
Austin Grid map K-24



A DESCRIPTION OF 1.175 ACRES, BEING ALL OF A 51,075 S.F. TRACT DESCRIBED IN ORDINANCE NO. 79 1025-F, DATED OCTOBER 25, 1979, AND BEING OUT OF OUTLOT 23 DIVISION "C" OF THE GOVERNMENT TRACT ADJOINING THE ORIGINAL CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AND A PORTION OF LOT 1, ST. DAVID'S COMMUNITY HOSPITAL ADDITION, A SUBDIVISION OF RECORD IN VOLUME 81, PAGE 366 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, CONVEYED TO COLUMBIA/ST. DAVID'S HEALTHCARE SYSTEM, L.P. BY A CORRECTIVE SPECIAL WARRANTY DEED DATED JULY 8, 1996, IN VOLUME 12725, PAGE 1436 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS.

BEARING BASIS: GRID AZIMUTH FOR TEXAS CENTRAL ZONE,
1983/93 HARN VALUES FROM LCRA CONTROL NETWORK.

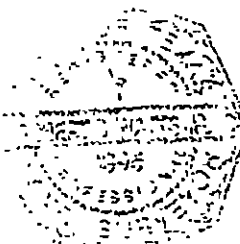
ATTACHMENTS: METES AND BOUNDS DESCRIPTION 006-8620-1

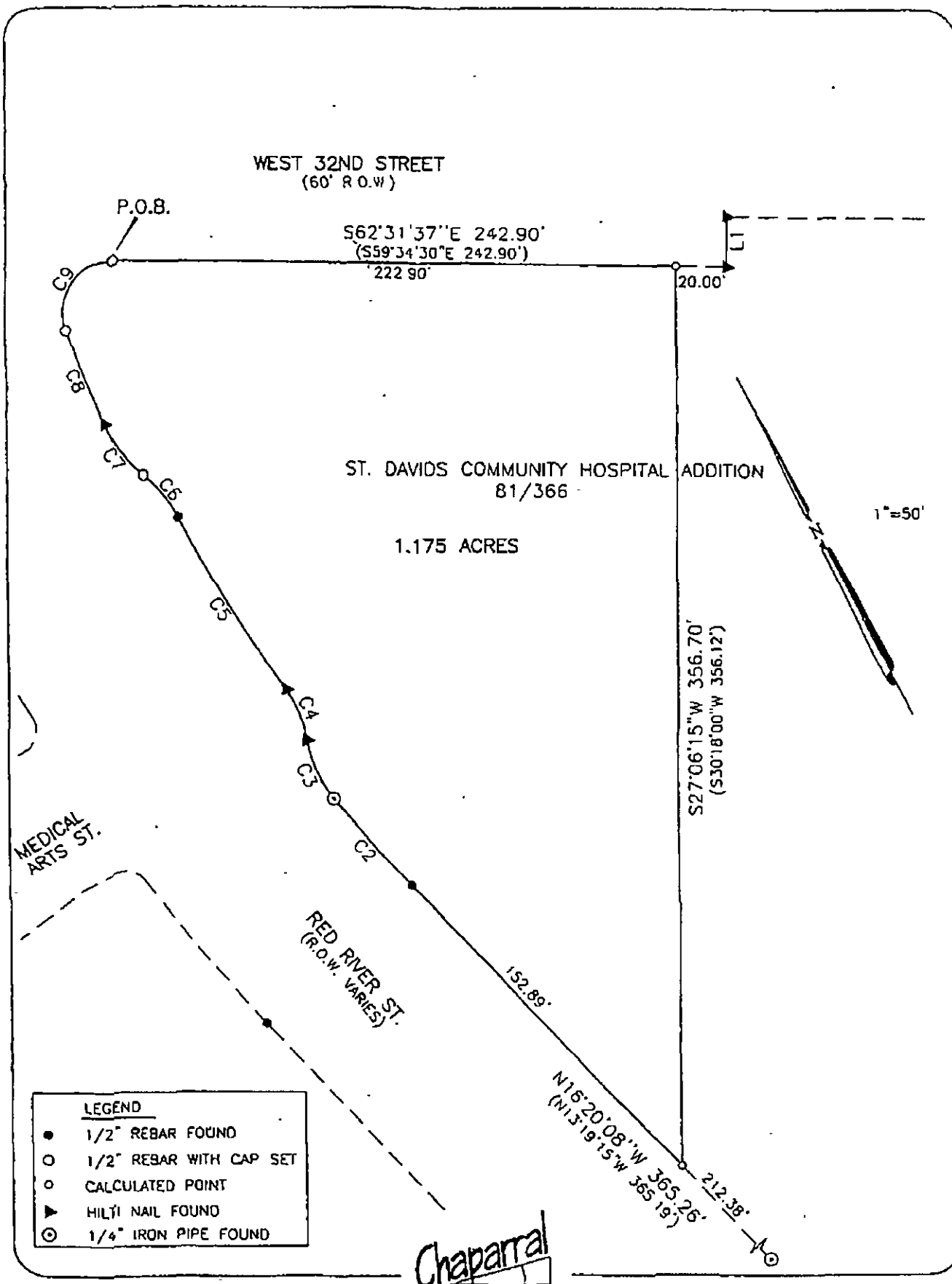
NUMBER	DIRECTION	DISTANCE	(RECORD)
L1	S27°09'11"W	19.98'	(N30°05'20"E 20.00')

NUMBER	DELTA	BEARING	RADIUS	ARC	CHORD	(RECORD CHORD)
C2	04°08'51"	N14°03'47"W	650.25	47.07	47.06	(N11°15'00"W 47.14')
C3	29°14'04"	N02°42'49"E	50.00	25.51	25.24	(N5°27'00"E 25.23')
C4	25°08'09"	N04°24'11"E	50.00	21.94	21.76	(N7°29'00"E 21.79')
C5	07°11'14"	N04°30'34"W	639.25	80.19	80.13	(N1°31'00"W 79.95')
C6	25°07'49"	N13°29'08"W	50.00	21.93	21.75	(N10°31'00"W 21.79')
C7	29°11'59"	N11°12'41"W	50.00	25.48	25.21	(N8°29'00"W 25.23')
C8	03°31'33"	N04°55'52"E	650.25	40.02	40.01	(N7°54'00"E 39.99')
C9	111°03'15"	N62°03'52"E	20.02	38.80	33.01	(65°02'00"E 32.95')

DATE OF SURVEY: SEPT. 1999
PLOT DATE: 9/18/2002
DRAWING NO.: 06-8620-1
PROJECT NO.: 006-086

W. L. W.
9-18-02
Chaparral





**AMENDMENT OF RESTRICTIVE COVENANT
FOR
ZONING CASE NO. C14-02-0150**

Owner: Columbia/St. David's Healthcare System, L.P.,
a Texas limited partnership

Address: 98 San Jacinto Blvd., Suite 1800, Austin, TX 78701

City: The City of Austin, a home-rule city, municipal corporation and political
subdivision of the State of Texas, in Travis County, Texas.

City Council: The City Council of the City of Austin

Consideration: Ten and No/100 Dollars (\$10.00) and other good and valuable
consideration paid by the Owner to the City of Austin, the receipt and
sufficiency of which is acknowledged.

WHEREAS, the Owner of all that certain property (the "Property") described in Zoning
File No C14-02-0150, and more particularly described in the restrictive covenant recorded in the
Real Property Records of Travis County, Texas, in Document No. 2003050494, (the "Restrictive
Covenant") imposed certain restrictions and covenants on the Property by the Restrictive
Covenant of record

WHEREAS, the Restrictive Covenant provided that the covenant could be modified,
amended, or terminated by joint action of both (a) a majority of the members of the City Council,
and (b) the Owner of the Property at the time of such modification, amendment or termination.

WHEREAS, the Owner of the Property now desires to amend the Restrictive Covenant as
to the Property.

WHEREAS, the City Council and the Owner agree the Restrictive Covenant should be
amended.

NOW, THEREFORE, for and in consideration of the premises and mutual promises, covenants,
and agreement hereinafter set forth, the City of Austin and the Owner agree as follows:

1. Paragraph No. 1 of the Restrictive Covenant is amended to remove the tree numbered 1057
from this provision.
2. Paragraph No. 2 of the Restrictive Covenant is deleted in its entirety and the following
provision is substituted in its place:
 2. Owner agrees to relocate and preserve the tree numbered 1057 as identified on Exhibit A.

2-2
5-15-03

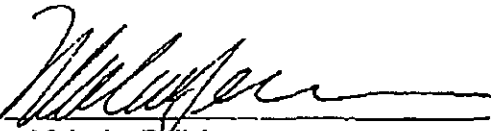
3. The Restrictive Covenant is amended to include the following provisions and to renumber its remaining paragraphs:

6. The Owner shall comply with applicable provisions of the Environmental Criteria Manual, Appendix P-6, regarding trees on the Property.
 7. Owner agrees to deposit the sum of \$120,000.00 into the Urban Forest Replenishment Fund no later than June 21, 2003.
4. Except as expressly provided for in this Amendment, each and every one of the terms, conditions, and provisions of the Restrictive Covenant, as set forth in the Restrictive Covenant, shall continue in full force and effect on and after the effective date of this Amendment.
5. The City Manager, or her designee, shall execute, on behalf of the City, this Amendment of Restrictive Covenant for Zoning File No. C14-02-0150, as authorized by the City Council of the City of Austin. The Amendment of Restrictive Covenant shall be filed in the Official Public Records of Travis County, Texas.


EXECUTED to be effective the 30 day of May, 2003.

OWNERS:

Columbia/St. David's Healthcare System, L.P.
a Texas limited partnership

By: 
Malcolm Belisle,
Vice President/Corporate Services

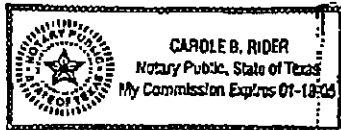
CITY OF AUSTIN:

By: 
LISA Y. GORDON,
ASSISTANT CITY MANAGER,
CITY OF AUSTIN

THE STATE OF TEXAS :

COUNTY OF TRAVIS :

This instrument was acknowledged before me on this the 30 day of May, 2003, by Malcolm Belisle, Vice President/Corporate Services on behalf of Columbia/St. David's Healthcare System, L.P., a Texas limited partnership.

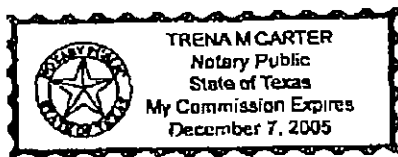


Carol B. Rider
Notary Public, State of Texas

THE STATE OF TEXAS :

COUNTY OF TRAVIS :

This instrument was acknowledged before me on this the 13th day of June, 2003, by LISA Y. GORDON, as Assistant City Manager of the City of Austin, a municipal corporation, on behalf of said municipal corporation

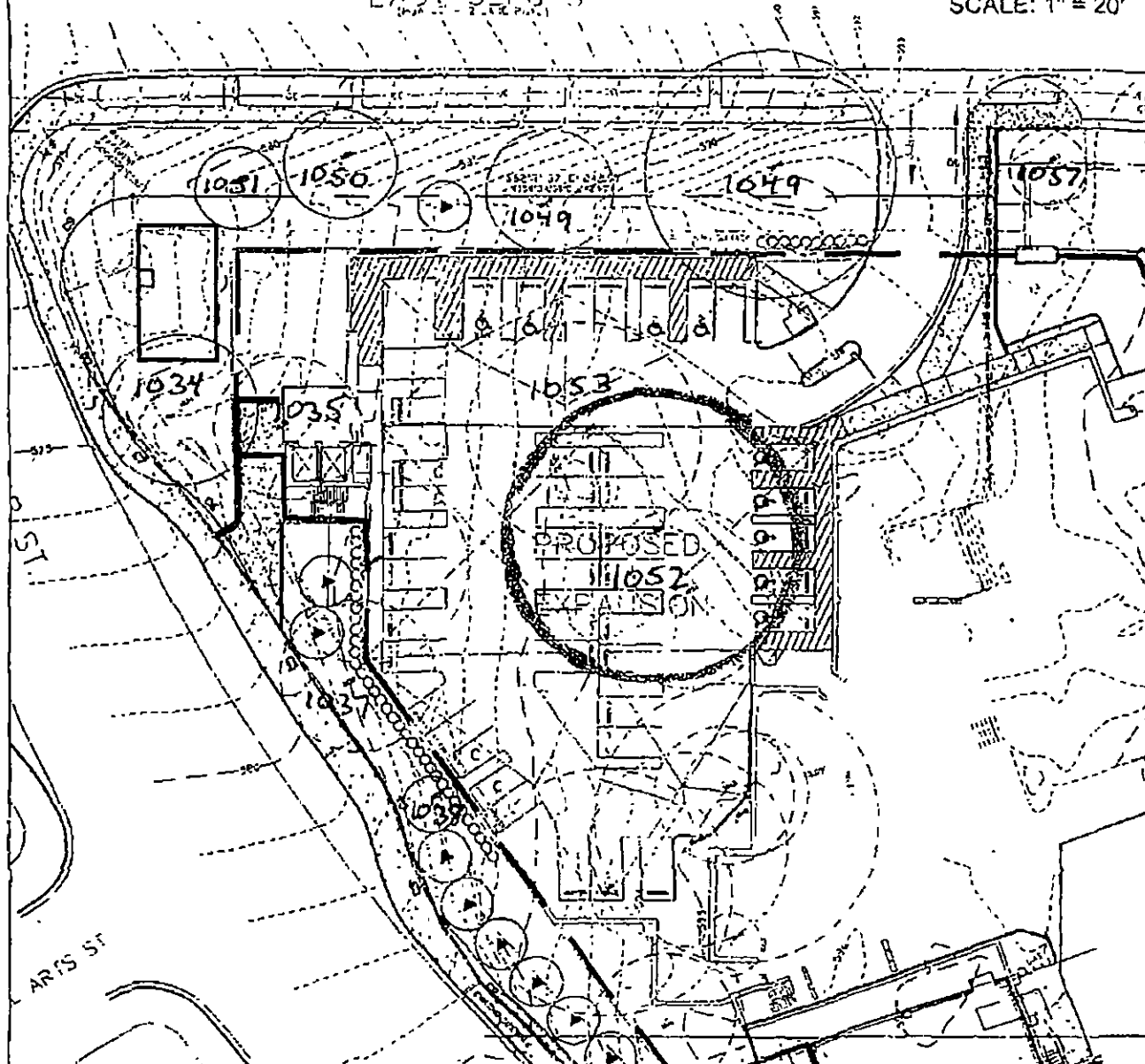


Trena M. Carter
Notary Public, State of Texas

AFTER RECORDING RETURN TO:

City of Austin Law Department
P.O. Box 1038
Austin, Texas 78767-8828
Attn: Diana Minter, Paralegal

SCALE: 1" = 20'



ALL REPLACEMENT DEETS COUNT 100% TOWARD REPLACEMENT

182 J. DAL EVERGREEN STUDIES

HTSRO MOUCH II BUNICA ON C OF TORONTO.

to be relocated
to remain



THOMAS D. GRIFFIN
LANDSCAPE ARCHITECT

CONFIDENTIAL AND SENSITIVE
UNLESS WE HAVE A
SIGNED RELEASE OR ON
THE LAST OF JANUARY
FOLLOWING YEAR?

YES NO
4/10/00 4/10/00
4/10/00 4/10/00
4/10/00 4/10/00

R. THOMAS B. STOWEN, A REGISTERED LANDSCAPE ARCHITECT, CERTIFIES THAT THESE PLANS MEET THE REQUIREMENTS OF CHAP. 25-2, ART. 2, DIV. 1 OF THE LAND DEVELOPMENT CODE.

Case No.	Case Name	Case Type	Case Status
101	John Doe	Case 101	Open
102	Jane Smith	Case 102	Open
103	Bob Johnson	Case 103	Open
104	Alice Brown	Case 104	Open
105	Charlie White	Case 105	Open
106	Diana Green	Case 106	Open
107	Frank Black	Case 107	Open
108	Grace King	Case 108	Open
109	Henry Lee	Case 109	Open
110	Ivy Hill	Case 110	Open

LEGEND

<p>DATE OF BIRTH: _____</p> <p>NAME: _____</p> <p>ADDRESS: _____</p> <p>CITY: _____</p> <p>STATE: _____</p> <p>ZIP: _____</p> <p>TELEPHONE: _____</p> <p>SEX: _____</p> <p>RELIGION: _____</p> <p>EDUCATION: _____</p> <p>OCCUPATION: _____</p> <p>HOBBIES: _____</p> <p>SKILLS: _____</p> <p>LANGUAGES: _____</p> <p>REFERENCES: _____</p> <p>COMMENTS: _____</p>	<p>DATE OF BIRTH: _____</p> <p>NAME: _____</p> <p>ADDRESS: _____</p> <p>CITY: _____</p> <p>STATE: _____</p> <p>ZIP: _____</p> <p>TELEPHONE: _____</p> <p>SEX: _____</p> <p>RELIGION: _____</p> <p>EDUCATION: _____</p> <p>OCCUPATION: _____</p> <p>HOBBIES: _____</p> <p>SKILLS: _____</p> <p>LANGUAGES: _____</p> <p>REFERENCES: _____</p> <p>COMMENTS: _____</p>
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FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

Dana Debeauvoir

06-19-2003 04:21 PM 2003139169
ZAVALAR \$17.00
DANA DEBEAUVOIR, COUNTY CLERK
TRAVIS COUNTY, TEXAS

Recorder's Memorandum-At the time of recording this instrument was found to be inadequate for the best reproduction, because of illegibility, cation or photocopy, discolored paper, etc. All books, its additions and changes were present at the time the instrument was filed and recorded.

ORDINANCE NO. 920820- I

AN ORDINANCE ORDERING A REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 13-2 OF THE AUSTIN CITY CODE OF 1992 AS FOLLOWS: 3.284 ACRE TRACT OF LAND OUT OF THE ST. DAVID'S COMMUNITY HOSPITAL ADDITION, FROM "LO" LIMITED OFFICE DISTRICT AND "MF-3-" MULTIFAMILY RESIDENCE (MEDIUM DENSITY) DISTRICT TO "GR-CO" COMMUNITY COMMERCIAL DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT, LOCALLY KNOWN AS 919 EAST 32ND STREET, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; WAIVING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. That Chapter 13-2 of the Austin City Code of 1992 is amended to change the base zoning district from "LO" Limited Office district and "MF-3" Multifamily Residence (Medium Density) district to "GR" Community Commercial district-Conditional Overlay combining district on the property described in File C14-92-0071, as follows:

3.284 acre tract of land out of the St. David's Community Hospital Addition, said 3.284 acre tract being more particularly described by metes and bounds in "Exhibit A" attached and incorporated herein for all purposes,

locally known as 919 East 32nd Street, in the City of Austin, Travis County, Texas.

PART 2. That the property within the boundaries of the Conditional Overlay combining district established by this ordinance is subject to the following conditions:

1. Uses of the Property shall be restricted to the following conditions: (i) the range of permitted uses authorized in the "GR" Community Commercial base district as set forth in Sec. 13-2-221 of the Austin City Code shall be prohibited, except that Commercial off-street parking use shall be permitted; and (ii) the range of permitted uses authorized in the "GO" General Office base district shall be permitted on the Property.

Except as specifically restricted pursuant to this ordinance, the property may be developed and used in accordance with the regulations established for the "GR" Community Commercial base district and other applicable requirements of the Land Development Code.

PART 3. That it is ordered that the Zoning Map established by Sec. 13-2-22 of the Austin City Code of 1992 and made a part thereof shall be changed to record the amendment enacted by this ordinance.

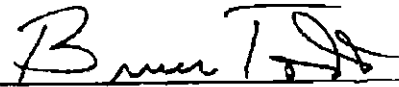
PART 4. That the requirement imposed by Section 2-2-3 of the Austin City Code of 1992 that this ordinance be read on three separate days shall be waived by the affirmative vote of five members of the City Council to pass this ordinance through more than one reading on a single vote.

PART 5. That this ordinance shall become effective upon the expiration of ten days following the date of its final passage.

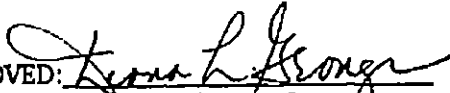
PASSED AND APPROVED:

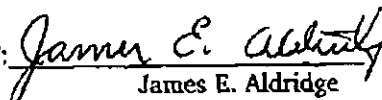
August 20, 1992

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Bruce Todd
Mayor

APPROVED: 
Diana L. Granger
City Attorney

ATTEST: 
James E. Aldridge
City Clerk

20Aug92
ME/jj

METCALFE & SANDERS, INC./LAND SURVEYORS

4800 SOUTH CONGRESS
AUSTIN, TEXAS 78745
(512) 442 5363

SURVEYS & RECORDS SINCE 1904

FIELD NOTES OF A SURVEY OF 3.284 ACRES OF LAND, BEING A PORTION OF LOT 1, ST. DAVID'S COMMUNITY HOSPITAL ADDITION, A SUBDIVISION OF A PORTION OF OUTLOT 23, DIVISION "C" OF THE GOVERNMENT TRACTS ADJOINING THE ORIGINAL CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, SAID ST. DAVID'S COMMUNITY HOSPITAL ADDITION BEING SHOWN ON A MAP OR PLAT OF RECORD IN PLAT BOOK 81, PAGES 366 AND 367, TRAVIS COUNTY PLAT RECORDS, AND BEING THAT SAME TRACT DESCRIBED IN EXHIBIT "A" AS 3.284 ACRES IN THE AMENDED AND RESTATED LEASE AGREEMENT BY AND BETWEEN ST. DAVID'S HOSPITAL AND PARK ST. DAVID PROFESSIONAL BUILDING, LTD. IN VOLUME 7365, PAGE 492, TRAVIS COUNTY DEED RECORDS, AND TRANSFERRED IN AN ASSIGNMENT OF GROUND LEASE FROM PARK ST. DAVID PROFESSIONAL BUILDING, LTD. TO ST. DAVID'S HOSPITAL IN VOLUME 10021, PAGE 648, TRAVIS COUNTY DEED RECORDS, AND BEING THAT SAME 3.284 ACRE TRACT DESCRIBED IN A MODIFICATION AND ASSUMPTION AGREEMENT BY AND BETWEEN ST. DAVID'S COMMUNITY HOSPITAL, MASSACHUSETTS MUTUAL LIFE INSURANCE COMPANY AND PARK ST. DAVID PROFESSIONAL BUILDING, LTD. IN VOLUME 10087, PAGE 488, TRAVIS COUNTY DEED RECORDS, SAID 3.284 ACRE TRACT BEING A PORTION OF LOTS 5, 6 & 7 OF OUTLOT 23, DIVISION "C" IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF THAT TRACT DESCRIBED IN A DEED FROM KATHARINE FARR HAMILTON TO ST. DAVID'S HOSPITAL IN VOLUME 2698, PAGE 444, TRAVIS COUNTY DEED RECORDS, AND BEING A PORTION OF THAT TRACT DESCRIBED IN A DEED FROM JOHANNES BORN, ET UX TO ST. DAVID'S HOSPITAL IN VOLUME 1886, PAGE 234, TRAVIS COUNTY DEED RECORDS, AND BEING ALL OF THAT TRACT OF LAND DESCRIBED IN A DEED FROM JOHN FELTER TO ST. DAVID'S HOSPITAL IN VOLUME 3986, PAGE 1322, TRAVIS COUNTY DEED RECORDS, AS SURVEYED FOR ST. DAVID'S COMMUNITY HOSPITAL BY METCALFE & SANDERS, INC., LAND SURVEYORS, 4800 SOUTH CONGRESS, AUSTIN, TEXAS.

Beginning at an iron stake at the southwest corner of Lot 1, Gruesen Resubdivision of a Portion of Lot 6, Outlot 23, Division "C", in the City of Austin, Travis County, Texas, as shown on a map of record in Plat Book 10, Page 77, Travis County Plat Records, and being also at an interior corner of Lot 1, St. David's Community Hospital Addition, a subdivision of a portion of Outlot 23, Division "C" of the Government Tract Adjoining the Original City of Austin, Travis County, Texas, of record in Plat Book 81, Pages 366 and 367, Travis County Plat Records, and being also a corner in the most easterly north line of that tract described in Exhibit "A" as 3.284 acres in the Amended and Restated Lease Agreement By and Between St. David's Hospital and Park St. David Professional Building, Ltd. in Volume 7365, Page 492, Travis County Deed Records, and transferred in an Assignment of Ground Lease from Park St. David Professional Building, Ltd. to St. David's Hospital in Volume 10021, Page 648, Travis County Deed Records, and a corner in the most

easterly north line of that 3.284 acre tract described in a Modification and Assumption Agreement By and Between St. David's Community Hospital, Massachusetts Mutual Life Insurance Company and Park St. David Professional Building, Ltd. in Volume 10087, Page 488, Travis County Deed Records, for a corner in the most easterly north line of the herein described tract;

(1) THENCE with the most easterly north line of said Lot 1, St. David's Community Hospital Addition, and the most easterly north line of the said 3.284 acre tract, and being also with the south line of said Lot 1, Gruesen Resubdivision, S 59° 40' E 80.02 feet to a 1/2" iron pipe found at the southeast corner of said Lot 1, Gruesen Resubdivision and the southwest corner of Lot 2 of said Gruesen Resubdivision, said iron pipe being also the southwest corner of that tract of land described in Tract Two in a deed from Milton Turner, M.D., et ux to St. David's Hospital in Volume 7337, Page 424, Travis County Deed Records;

(2) THENCE with the north line of said Lot 1, St. David's Community Hospital Addition and the most easterly north line of the 3.284 acre tract, and being also with the south line of said Lot 2, Gruesen Resubdivision and with the south line of the said St. David's Community Hospital Tract Two, S 59° 45' E 22.81 feet to a 1/2" iron pipe found;

(3) THENCE with the north line of said Lot 1, St. David's Community Hospital Addition and the most easterly north line of the 3.284 acre tract, and being also with the south line of said Lot 2, Gruesen Resubdivision and with the south line of the St. David's Community Hospital Tract Two, and with the south line of that tract of land described in Tract One in said deed to St. David's Hospital in Volume 7337, Page 424, Travis County Deed Records, S 59° 08' E 103.57 feet to a 1/2" iron pipe found at the northeast corner of said Lot 1, St. David's Community Hospital Addition and the most easterly northeast corner of the said 3.284 acre tract, said iron pipe being the northwest corner of Lot 5A of Joe Manor Trustee Subdivision, of record in Plat Book 16, Page 43, Travis County Plat Records, for the most easterly northeast corner of the herein described tract;

(4) THENCE with the east line of said Lot 1, St. David's Community Hospital Addition, and the most easterly east line of the said 3.284 acre tract, and being also the west line of said Lot 5A of the Joe Manor Trustee Subdivision, S 30° 36' W 307.47 feet to a rivet found in concrete in the north line of East 30th Street at the southeast corner of said Lot 1, St. David's Community Hospital Addition and the southeast corner of the said 3.284 acre tract, and the southwest corner of said Lot 5A of the Joe Manor Trustee Subdivision, for the southeast corner of the herein described tract;

(5) THENCE with the north line of East 30th Street and the south line of said Lot 1, St. David's Community Hospital Addition, and being also with the south line of the said 3.284 acre tract, N 59° 29' W 97.01 feet to a 60^d nail found in an expansion joint in a concrete driveway;

(6) THENCE with the north line of East 30th Street and the south line of said Lot 1, St. David's Community Hospital Addition, and being also the south line of the said 3.284 acre tract, N 59° 46' W 162.18 feet to a 1/2" iron pipe found;

(7) THENCE with the north line of East 30th Street and the south line of said Lot 1, St. David's Community Hospital Addition, and being also the south line of the said 3.284 acre tract, N 55° 27' 30" W 201.36 feet to a 1/2" iron pipe found;

(8) THENCE with the curving north line of East 30th Street and the curving south line of said Lot 1, St. David's Community Hospital Addition, and being the curving south line of the said 3.284 acre tract, with a curve to the left an arc distance of 98.97 feet, said curve having a radius of 281.27 feet and a chord of which bears, N 65° 32' 30" W 98.46 feet to a 1/2" iron pipe found at point of tangency;

(9) THENCE with the north line of East 30th Street and the south line of said Lot 1, St. David's Community Hospital Addition, and being also the south line of the said 3.284 acre tract, N 75° 37' 15" W 93.28 feet to an iron stake found at the northeast intersection of East 30th Street and Red River Street at the southwest corner of the said 3.284 acre tract, for the southwest corner of the herein described tract;

(10) THENCE with the east line of Red River Street and the most westerly west line of said Lot 1, St. David's Community Hospital Addition, and being also with the most westerly west line of the said 3.284 acre tract, N 13° 19' 15" W 139.88 feet to a 1/2" iron pipe found at the most westerly corner of the said 3.284 acre tract, for the most westerly corner of the herein described tract;

(11) THENCE with a west line of the said 3.284 acre tract, N 30° 05' 20" E 80.67 feet to a rivet found in concrete at the most westerly northwest corner of the said 3.284 acre tract, for the most westerly northwest corner of the herein described tract;

(12) THENCE with the most westerly north line of the said 3.284 acre tract, N 76° 38' E 82.77 feet to a 1/2" iron pipe set for the most westerly northeast corner of the said 3.284 acre tract, for the most westerly northeast corner of the herein described tract;

(13) THENCE with an east line of the said 3.284 acre tract, S 10° 27' 30" E 121.78 feet to a 1/2" steel pin found at an interior corner of the said 3.284 acre tract, for an interior corner of the herein described tract;

(14) THENCE with a north line of the said 3.284 acre tract, S 59° 30' E 193.22 feet to a rivet found in concrete at a northeast corner of the said 3.284 acre tract, for a northeast corner of the herein described tract;

(15) THENCE with an east line of the said 3.284 acre tract,
S 10° 00' W 24.10 feet to a rivet found in concrete at an interior corner of
the said 3.284 acre tract, for an interior corner of the herein described
tract;

(16) THENCE with a north line of the said 3.284 acre tract,
S 80° 00' E 25.20 feet to a rivet found in concrete at an interior corner of
the said 3.284 acre tract, for an interior corner of the herein described
tract;

(17) THENCE with a west line of the said 3.284 acre tract,
N 10° 00' E 14.68 feet to a rivet found in concrete at a northwest corner of
the said 3.284 acre tract, for a northwest corner of the herein described
tract;

(18) THENCE with a north line of the said 3.284 acre tract,
S 59° 30' E 125.54 feet to a 1/2" iron pipe found at an interior corner of
the said 3.284 acre tract, for an interior corner of the herein described
tract;

(19) THENCE with a west line of the said 3.284 acre tract,
N 30° 36' E 183.34 feet to a 1/2" iron pipe found at the most easterly
northwest corner of the said 3.284 acre tract, for the most easterly
northwest corner of the herein described tract;

(20) THENCE with the most easterly north line of the said 3.284 acre
tract, S 59° 46' E 53.62 feet to the place of the beginning, containing
3.284 acres of land.

Surveyed March 4, 1981. Survey Updated and Field
Notes Prepared November 18, 1987.



METCALFE & SANDERS, INC.
Land Surveyors

By:

A handwritten signature in dark ink, appearing to read "George L. Sanders".

George L. Sanders
Registered Public Surveyor #1838

Plan E227-D
Ref. Plans E227,
7825, 8006-C, 8927
FB 714, P 48
FB 586, P 1
FB 569, P 15
FB 517, P 52
4FN87/87321.02

Austin American-Statesman

AFFIDAVIT OF PUBLICATION

THE STATE OF TEXAS
COUNTY OF TRAVIS

Before me, the undersigned authority, a Notary Public in and for the
County of Travis, State of Texas, on this day personally appeared:

Jean Goehring

Classified Advertising Agent of the Austin American-Statesman, a daily
newspaper published in said County and State that is generally circulated
in Travis, Hays, and Williamson Counties, who being duly sworn by me, states
that the attached advertisement was published in said newspaper on the
following dates, to wit:

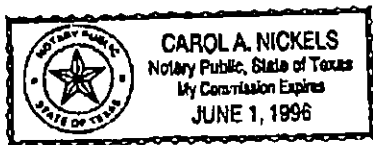
September 5th of 1992

Cost: 35.34

and that the attached is a true copy of said advertisement.

[Signature]

SWORN AND SUBSCRIBED TO BEFORE ME, this the 1st day of Oct, 1992.



Carol A. Nickels
(Type or Print Name of Notary)

Carol A. Nickels
Notary Public in and for
TRAVIS COUNTY, TEXAS

6/01/96
(My Commission Expires:)

An official record of the Austin American-Statesman, a daily newspaper published in Travis, Hays, and Williamson Counties, Texas, which is generally circulated in said County and State. This record is a true and correct copy of the original as filed in the office of the Notary Public for Travis County, Texas, on the 1st day of October, 1992. The cost of this record is \$35.34.

CITY OF AUSTIN
BOARD OF ADJUSTMENT/SIGN REVIEW BOARD
DECISION SHEET

☒ y Greg Smith
☒ y Barbara Aybar **SECOND** DATE: May 8, 2006
☒ y Bryan King
☒ y Leane Heldenfels, Vice Chair CASE NUMBER: C15-06-063
☒ y Frank Fuentes, Chair **MOTION TO APPROVE**
☒ y Betty Edgemond
☒ y Michael von Ohlen

APPLICANT: John Joseph, Jr. for St. David's Healthcare Partnership

ADDRESS: 3000 North IH-35

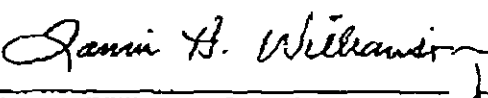
VARIANCE REQUESTED: The applicant has requested a variance to increase the maximum height requirement of Section 25-2-492 (D) from 60 feet in height to 120 feet in height for the building with an additional height of 18.5% of 120 feet for the decorative towers and 15% of 120 feet for other objects in order to erect a Medical Office facility in a "GO", General Office zoning district. (Previously approved by the Board of Adjustment on September 23, 2004, but has since expired.)

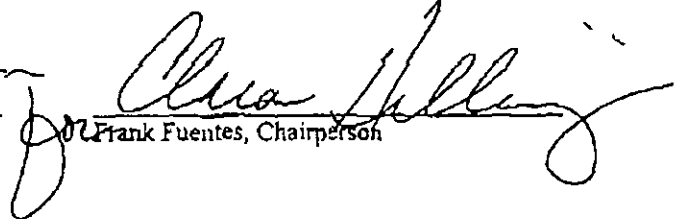
BOARD'S DECISION: **GRANTED 7-0**

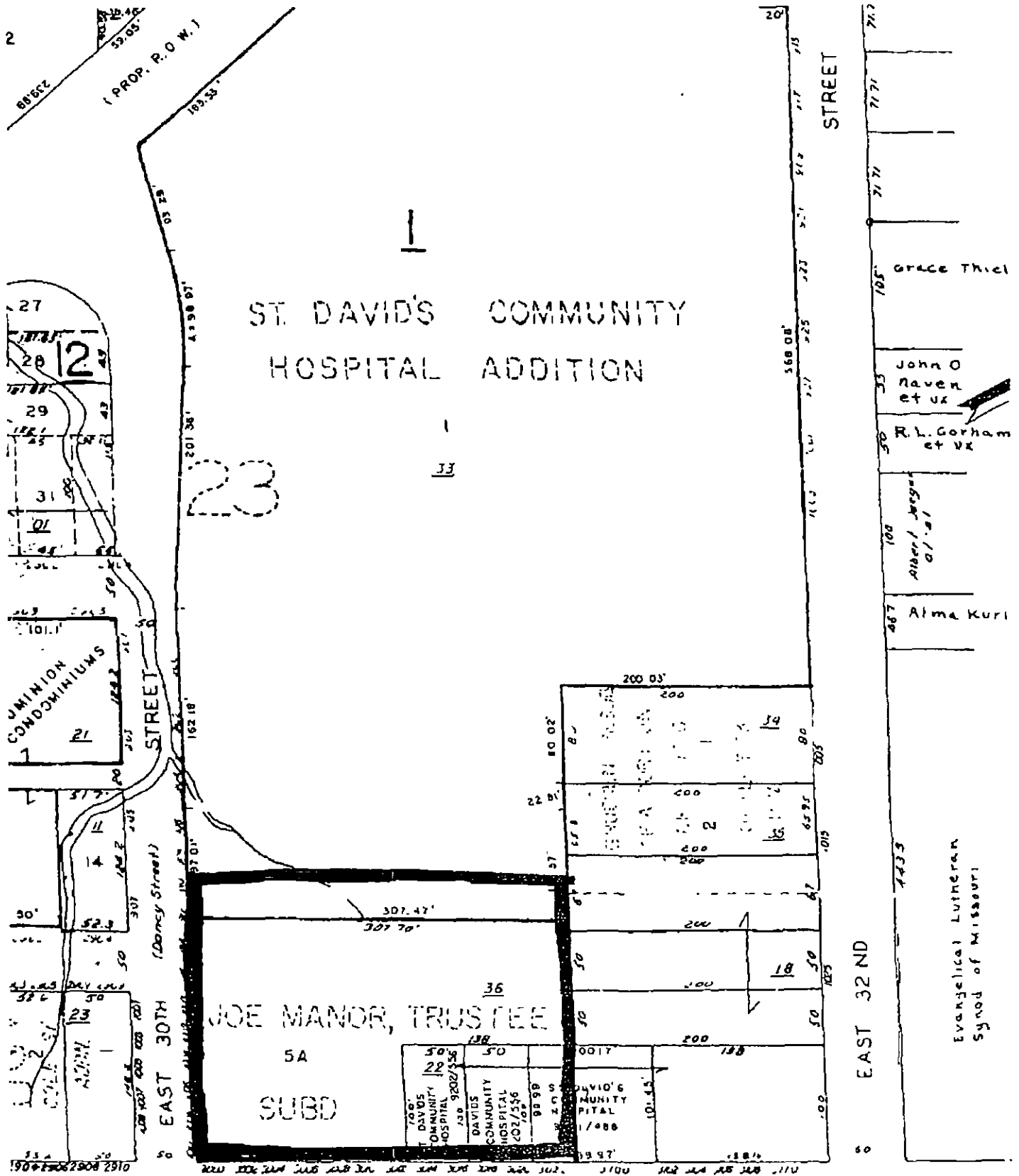
FINDINGS:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: the hospital is located in a residential area where the height is restricted.
2. (a) The hardship for which the variance is requested is unique to the property in that: the hospital was built in 1955 but needs expansion but surrounding properties are developed.

(b) The hardship is not general to the area in which the property is located because: there are no other hospitals in the immediate area.
3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because: the additional height will allow additional medical offices necessary to allow physicians to be in close proximity to their patients.


Tammie Williamson, Executive Secretary


Frank Fuentes, Chairperson



(East Ave. Corner 100)

CITY OF AUSTIN
BOARD OF ADJUSTMENT/SIGN REVIEW BOARD
DECISION SHEET

 y Greg Smith
 y Barbara Aybar SECOND
 y Bryan King
 y Leane Heldenfels, Vice Chair
 y Frank Fuentes, Chair MOTION TO APPROVE
 y Betty Edgemond
 y Michael von Ohlen

DATE: May 8, 2006
CASE NUMBER: C15-06-063

APPLICANT: John Joseph, Jr. for St. David's Healthcare Partnership

ADDRESS: 3000 North IH-35

VARIANCE REQUESTED: The applicant has requested a variance to increase the maximum height requirement of Section 25-2-492 (D) from 60 feet in height to 120 feet in height for the building with an additional height of 18.5% of 120 feet for the decorative towers and 15% of 120 feet for other objects in order to erect a Medical Office facility in a "GO", General Office zoning district (Previously approved by the Board of Adjustment on September 23, 2004, but has since expired.)

BOARD'S DECISION: GRANTED 7-0

FINDINGS:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: the hospital is located in a residential area where the height is restricted.
2. (a) The hardship for which the variance is requested is unique to the property in that: the hospital was built in 1955 but needs expansion but surrounding properties are developed.

(b) The hardship is not general to the area in which the property is located because: there are no other hospitals in the immediate area
3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because: the additional height will allow additional medical offices necessary to allow physicians to be in close proximity to their patients.


Tammie Williamson, Executive Secretary


Frank Fuentes, Chairperson

5/16/06 11:11:13 AM

EXHIBIT "A"

PERMITTED USES

General Hospital and Medical services for the care and treatment of pre-natal, pediatric, infant, and geriatric patients, including without limitation any and all of the following:

1. **Administrative and Business Offices:** Offices for executive, management, or administrative services;
2. **Building Maintenance and Services:** Medical Support Services, including, but not limited to janitorial services, landscape maintenance, and window cleaning services;
3. **Business Support Services:** Medical equipment leasing and sales, medical equipment repair;
4. **Camp:** Indoor or outdoor activities for children including sports, arts and crafts, entertainment, recreation, educational services and incidental food services;
5. **Club or Lodge:** Meeting, recreational or social facilities used by a private or non-profit association, ie: AA, MADD;
6. **College and University Facilities:** Education and support; General Medical Teaching and Continuing Education Facilities, medical employment training and temporary employment services;
7. **Commercial Blood Plasma Center:** Facility for the donation or sale by individual donors of blood plasma and other blood products;
7. **Commercial Off Street Parking:** Commercial parking lots and garages;
8. **Community Events:** Community outreach services and education;
9. **Community Recreation:** Indoor and outdoor recreational facility used by residents, patients and guests;
10. **Convalescent Services:** Skilled nursing services and long term acute care hospital;
11. **Counseling Services:** Daytime counseling for neglected or abused children;
12. **Daycare Services:** Child care facilities;
13. **Employee Recreation:** Indoor or outdoor recreational facility used by employees located on the property;

14. **Food Sales:** Retail sale of food including delicatessens, retail bakeries and candy sales;
15. **General Retail Sales:** Sale of commonly used goods including pharmaceutical sales and services;
16. **Guidance Services:** Counseling, guidance, recuperative or similar services to persons requiring rehabilitation services as a result of mental illness, drug or alcohol abuse or similar condition;
17. **Heliport :** A single structure equipped to handle the take-off and landing of a helicopter.
18. **Hospital Services:** In-patient and out-patient hospital services and non-elective surgical services, Pediatric and adult in-patient and out-patient rehabilitation services, emergency treatment, diagnostic services, training and administration;
19. **Hotel-Motel:** Rooms for temporary lodging;
20. **Indoor Entertainment:** Conference and meeting facilities;
21. **Laundry Services:** Site for the provision of laundering including bulk laundry and linen supply;
22. **Medical Offices:** Medical treatment and diagnosis services, relating to oncological services, including, but not limited to: a) Radiation Therapy, b) Chemotherapy, c) Homeopathic Treatment, d) Holistic Treatment, e) Reproductive Services, and f) any such Experimental Therapies as may apply;
23. **Off-Site Accessory Parking:** Provision of parking located on a different site from the principal use;
24. **Personal Improvement Services:** Informational, instructional or personal improvement including, but not limited to health and physical fitness;
25. **Personal Services:** Periodically needed personal services including, but not limited to beauty or barber shops and drycleaning services;
26. **Professional Office:** Professional services including, but not limited to accounting offices;
27. **Recreational Equipment Maintenance and Storage:** Maintenance, service and storage of sports equipment;
28. **Religious Assembly:** Religious worship or education;

29. **Research Services** Diagnostic services and studies, such as, but not limited to sleep studies, diabetes studies, scientific research and scientific support services;
30. **Research Testing Services:** Research activity permitted only with a Planned Utility District;
31. **Research Warehousing Services:** Storage of materials or equipment related to research services;
32. **Residential Treatment:** Pediatric and Adult in-patient and out-patient psychiatric and psychological services, transitional services, residential facilities in support of medical hospital services, i.e., Ronald McDonald House and housing for medical students and faculty;
33. **Restaurant:** Preparation and sale of food and beverages for on premise consumption,
34. **Safety Services.** Pediatric and Adult emergency medical services, treatment and conveyances including, but not limited to: a) heliport, b) ambulatory, and/or c) vehicular;
35. **Telecommunication Tower:** Structures built to support antenna for receiving or transmitting electronic data or telecommunications.